

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UHALL BRENNAN)	
a/k/a/ Eugene Flemon,)	
Plaintiff/Petitioner,)	
)	Civ. Action No. 20-10339-PBS
v.)	
)	
COMMONWEALTH,)	
Defendant/Respondent.)	

ORDER

April 29, 2020

SARIS, D.J.

Uhall Brennan ("Brennan"), an inmate in custody under the name Eugene Flemon at the Old Colony Correctional Center, initiated this action on February 18, 2020, by filing a pro se pleading accompanied by an Application to Proceed Without Prepayment of Fees and Affidavit. See Docket Nos. 1, 2.

The case caption identifies Brennan as both plaintiff and petitioner and his request for relief is to be discharged from state custody. See Docket No. 1. Attached to the pleading is a one-page affidavit with more than a dozen statements of which the following is a sampling: "I am discombobulate for the record," I "had been on delusion drugs just about many weeks from age as infant," and I "had discover Mass. General Law." Id. at p. 3. Also attached is a petition to be brought into the Court on February 25, 2020. Id. at p. 4.

Although pro se pleadings are liberally construed, Haines v. Kerner, 404 U.S. 519, 520-21 (1972), Brennan's petition is subject to dismissal.

To the extent Brennan seeks to have this court order the the warden to bring him to the courthouse, there is no record of a pending matter in this court requiring his attendance. Thus, there is no basis for the issuance of a writ of habeas corpus ad testificandum requiring the warden to produce Brenna at this federal court. Moreover, a challenge to the fact of Brennan's physical detention may only be considered by a federal court through a petition for a writ of habeas corpus after the exhaustion of available state court remedies. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973).

Accordingly, this action is dismissed without prejudice.

SO ORDERED.

/s/ Patti B. Saris
PATTI B. SARIS
UNITED STATES DISTRICT JUDGE